

REMARKS/ARGUMENTS

35 USC § 102(b)

Claim 21 was rejected under 35 USC § 102(b) as being anticipated by Wu (U.S. Pat. No. 6,467,109). More specifically, the Examiner states in the office action that (a) the base rods of Wu would be applicant's connector rods, (b) the lifting rods of Wu would be applicant's support rods, and that (c) the connection bar of Wu would be applicant's cross braces. The applicant disagrees.

It is well known that anticipation under Section 102 requires "the presence in a single prior art disclosure of all elements of a claimed invention *arranged as in that claim*." *Panduit Corp. v. Dennison Manufacturing Co.*, 774 F.2d 1082, 1101, 227 U.S.P.Q. (BNA) 337, 350 (Fed. Cir. 1985) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. (BNA) 193, 198 (Fed. Cir. 1983)). Clearly, such requirement is not met by the examiner's assertions. Therefore, anticipation was not properly established.

Still further, claim 21 expressly requires that the "...hammock stand collapses in a single movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion as two of the support rods pivot towards each other..." The applicant points to the specification in which the above claim term is defined as referring to a movement in which a user need not interrupt the collapsing motion to fasten or unfasten a connector. As should be readily apparent, *a user of Wu's hammock stand must unfasten the connection of comb element 51 from the locking pin on the lifting rod* (see also Figure 2B in the '109 patent). Additionally, *claim 21 requires a coordinated motion as indicated by the underlined term 'as'*. Clearly, no such coordinated movement is found in Wu.

To make things even more clear, the applicant amended claim 21 to expressly require that the legs, the support rods, and the cross are coupled to each other such that the "...cross braces upon folding of the hammock stand synchronize a movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion as two of the support rods pivot towards each other...". Such elements are not taught by Wu. On the contrary, the alleged cross brace of Wu blocks such movement. Therefore, claim 21 is neither anticipated, nor obvious over Wu.

35 USC § 103

Claims 1-3 and 6-10 were rejected under 35 USC § 103 as being obvious over Wu in view of Bien (U.S. Pat. No. 3,464,069). The applicant disagrees.


As amended herein, claim 1 requires that the legs, the support rods, and the cross are coupled to each other such that the "...cross braces upon folding of the hammock stand synchronize a movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion as two of the support rods pivot towards each other...". As already pointed out above, these elements are not taught by Wu. Indeed, *Wu's alleged cross brace is intended by stop movement of the parts relative to each other and therefore teaches against the presently claimed subject matter*. Bien does not remedy these defects. Therefore, claims 1-3 and 6-10 should not be deemed obvious over the cited references.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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